Datatreasury Corporation v. City National Corporation et al Doc. 13 Att. 5

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORP., Plaintiff vs. CITY NATIONAL CORPORATION; and CITY NATIONAL BANK, Defendants.	§ § § § § § § § § §	No. 2:06CV-165 (DF) Hon. David J. Folsom JURY TRIAL DEMANDED **DECLARATION OF PETER GARZA IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS FOR LACK OF PROPER VENUE**

I, Peter Garza, declare as follows:

1. I am currently the Assistant Vice President, Los Alimitos Branch at City National Bank (the "Bank"). I am responsible for the accounts of a Bank borrower with an address located in the Eastern District of Texas ("Borrower 1"). I became responsible for these accounts on 11/11/05. As such, I am one of the custodians of the books, records, files and banking records of the Bank as those books, records, files and banking records pertain to loans or extensions of credit to Borrower 1. I make this declaration in support of Defendants' Motion to Dismiss for Lack of Proper Venue in the matter of DataTreasury Corp. v. City National Corporation, *et al.*, No. 2:06CV-165 (DF), pending in the United States District Court for the Eastern District of Texas. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. The Bank has issued loans to borrowers who list mailing addresses in the Eastern District of Texas. I have examined our records regarding one of these borrowers. The borrower was a California corporation at the time the Bank originally made this extension of credit. The borrower subsequently converted to a Texas Corporation.

Dockets.Justia.com

Executed on 30TH OF MAY, 2006, at LOS ALAMITOS, CA.

I declare under penalty of perjury under the laws of the United States of America that to the best of my knowledge the foregoing is true and correct.

Peter Garza